IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

THURSDAY, THE 21ST JUNE 2007 / 31ST JYAISHTA 1929

Con.Case(C).No. 525 of 2007(S)

FROM THE JUDGEMENT IN WPC.28013/2005 Dated 24/01/2006
.....

PETITIONER/PETITIONER IN WPC.

M.K.PROMOD, S/O.ELIPARAMBATH KANARAN
MASTER, AGED 36 YEARS, CHAIRMAN, E.K.C.M.
EDUCATIONAL TRUST, AROOR P.O., KAKKATTIL (VIA),
KOZHIKODE DISTRICT.

BY ADV. SRI.R.K.MURALEEDHARAN

RESPONDENT: 1ST RESPONDENT IN WPC.

SRI.JAMES VARGHESE (FATHERS NAME AND
AGE NOT KNOWN TO THE PETITIONER),
SECRETARY, GENERAL EDUCATION DEPARTMENT,
THIRUVANANTHAPURAM.

BY SR.GOVERNMENT PLEADER SMT.MEERA

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION ON 21/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN, J.

Cont.Case (C) No.525 of 2007

Dated, this the 21st day of June, 2007

JUDGMENT

H.L.Dattu, C.J.

Alleging that the respondent in this contempt petition has disobeyed the orders and directions issued by this Court in W.P.(C) No.28013 of 2005 dated 24th January, 2006, the petitioner in the writ petition has filed this contempt petition.

2. This Court while disposing of W.P.(C) No.28013 of 2005 has observed as under:

> "8. Under these circumstances, I quash Ext.P8 and direct the Government to reconsider the petitioner's request in the light of Ext.P9 and Ext.P10 and also G.O.(MS) 08/06/G.Edn. dated 5.1.2006. Government itself having already found that educational need exists and the petitioner is eligible, Government will take a decision bestowing as much sympathy as possible on the petitioner's case during the current academic year at the Government's earliest and at any rate within two months of the Government receiving a copy of this judgment so that the high school to be sanctioned can be commenced during the next academic year. The Government will be free to impose restrictions regarding the number of standards and divisions as was done in G.O.MS.08/06/G.Edn. dated 5.1.2006. If the Government is not inclined to decide the issue in favour of the petitioner, he shall be given notice and be heard before a decision is taken."

3. After notice of this contempt petition the respondent has filed a detailed counter affidavit.

4. At the time of hearing of the contempt petition, Smt.Meera, learned Senior Government Pleader, would submit that the respondent will consider the request of the petitioner on top priority basis as early as possible, at any rate within three months from the date of receipt of a copy of this Court's order.

5. In view of the statement made by the learned Government Pleader, in our opinion, for the present, we need not to have continued this contempt proceedings. Accordingly, the proceedings are dropped for the present. Liberty is reserved to the petitioner to approach this Court if the respondent does not take any action within the time granted by this Court. Ordered accordingly.

(**H.L.DATTU)**
CHIEF JUSTICE

(K.T.SANKARAN)
JUDGE

vns